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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,739	01/24/2002	Masaaki Nishino	01USFP710-K.N.	4250

21254 7590 10/26/2004

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EXAMINER
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ANYASO, UCHENDU O

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 10/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

10/053,739

Applicant(s)

NISHINO, MASA AKI

Examiner

Uchendu O Anyaso

Art Unit

2675

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

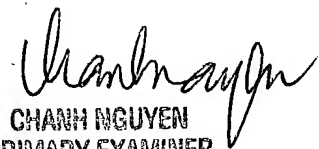
Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-9, 12-14, 16-19 and 21-23.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

  
CHANH NGUYEN  
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: With respect to independent claims 1, 16 and 22, Applicant argues that Hashimoto does not state that substantially simultaneous or concurrent actuation of a position indicating button and outputting of a position indication allowing signal is required to position the cursor. However, the Hashimoto clearly teaches how it would have been obvious to accomplish this by teaching a remote control system in which, through (1) angular motion of remote control unit 1 in space toward the front, back, left or right to point toward the desired icon and (2) use of the selection switch 9, instructions can be issued and operation effected, enabling control of a controlled unit that can be controlled by a mouse (column 20, lines 56-67; column 26, lines 5-16, figures 1, 2, 34 at 9, 24). Clearly, this aspect of Hashimoto reads applicant's claim 1, 16 and 22 by teaching how the actuation of the position indicating button via the selection switch 9, AND, the teaching of outputting of the position indication allowing signal via angular motion of the remote control device in order to generate instructions that can be issued to enable control of the control unit. Hashimoto teaches how both aspects, (1) and (2) enumerate above, are done together by use of the word "and" in: "there is realized a remote control system in which, through angular motion ... AND the use of the selection switch ...." (emphasis added) (see column 26, lines 10-16). Furthermore, Applicant argues that Hashimoto does not show concurrent or substantially simultaneous actuation of a position indicating button and outputting of a position indication allowing signal by citing to column 15, lines 25-57. However, this section represents a different embodiment from that which Examiner cites at (column 26, lines 10-16). As such, applicant's arguments based on column 15, lines 25-57 (embodiment 1) fail to negate the teachings of Hashimoto as taught in column 26, lines 10-16 (embodiment 13). Hence, applicant's arguments still fail to put this application in a condition for allowance.